

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21110 of 2004

Between:

Smt. B. Shyamala Devi, W/o. Venkatappaiah,
& Sarpanch of Rudravaram Village, R/o. Radravaram,

Muppalla Mandal, Guntur District.

..... PETITIONER

AND

- 1 The State SHO, Muppalla Police Station, Guntur District.
- 2 The Deputy Superintendent of Police, Sattenapalli Sub-Division,

Guntur District.

- 3 Kesava Seva Samithi, Rep. by its President Sri Majeti

Venkataramakoti Muthyalu

S/o. Late Guruvaiah, Aged about 74 Years, OCC: Business,

R/o. 3/1, Arundalpet, Guntur.

- 4 Bobba Koti Reddy, S/o. Narapu Reddy,
R/o. Rudravaram Village, Muppalla Mandal, Guntur District.
- 5 M. Venkata Subba Rao, S/o. Masthan Rao,
R/o. Rudravaram Village, Muppalla Mandal, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents No.1 & 2 in interfering and in trying to dispossess the Petitioner from her land in an extent of Ac.11.13 cents comprised in D.No. 3/B1 an extent Ac.8.56 cents land out of Ac.14.56 cents and in D.No. 3/B3 an extent of Ac.2.57 cents of Thondapi Revenue Village of Muppalla Mandal, Guntur District in violation of the orders of the competent civil Courts as illegal, arbitrary, unconstitutional and against to the principles of natural justice.

Counsel for the Petitioner: MR.B.CHINNAPA REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR HOME

Counsel for the Respondent Nos.4 & 5: SRI K.VENKATAREDDY

Counsel for the Respondent No.5: SRI A.VENKATARAMANA

This Court at the stage of admission made the following:

ORDER:

Aggrieved by the action of respondent Nos. 1 and 2 in interfering and trying to dispossess the petitioner from her land totalling an extent of Ac.11-13 cents comprising an extent of Ac.8-56 cents in D.No.3/B1 and an extent of Ac.2-57 cents in D.No.3/B3 of Thondapi Revenue Village, Muppalla Mandal of Guntur District, the present writ petition is filed.

The petitioner claims to be in possession and enjoyment of the lands in question from the date of purchase. While so, she states that respondent Nos. 4 and 5 in collusion with respondent No.3, filed A.T.C. Nos.13 and 14 of 2002 on the file of the Special Officer under A.P. (AA) Tenancy Act – cum - Principal Junior Civil Judge, Sattenapalli against her and her vendor-B.Yashwant Kumar, wherein both the parties were directed to maintain status-quo ante as on 31.12.2003. It is further stated that respondent No.3 - Kesava Seva Samithi also filed Trust O.P. No.22 of 2003 on the file of the III Additional District Judge, Guntur along with an application seeking interim injunction over the aforesaid property. However, the learned Judge dismissed the said application on 06.01.2004 observing that when the petitioner therein failed to show the essential ingredients of *prima facie* case and balance of convenience to have temporary injunction, the question of irreparable injury being suffered by petitioner therein, does not arise, and accordingly dismissed the application refusing to grant injunction.

Now, the grievance of the writ petitioner is that respondent Nos. 2 and 3 ignoring the orders passed by the III Additional District Judge,

Guntur, in I.A.No.565 of 2003 in T.O.P.No.22 of 2003, dated 06.01.2004, are interfering and trying to dispossess her from the lands in question with the assistance of the official respondent Nos. 1 and 2.

Upon receipt of notice, respondent Nos. 1 and 2 filed counter-affidavit denying the allegations made by the petitioner in the writ affidavit. It is stated that on the basis of the complaint lodged by respondent No.5, respondent No.1 registered a case in Crime No.68 of 2004 against the petitioner for the offences under Sections 447, 427 and 506 I.P.C. and the same is under investigation. It is also stated that another case in Crime No.69 of 2004 was also registered against the petitioner for the offences under Sections-147, 148, 447, 427 and 149 I.P.C. and the matter is under investigation. It is further submitted that respondent No.1 is not aware of the orders in I.A. No.565 of 2003 in Trust O.P. No.22 of 2003, dated 06.01.2004, and more over, the petitioner has not approached the Police authorities complaining about the high handed activity of the unofficial respondents.

Respondent No.4 also filed counter-affidavit contending that when the petitioner tried to interfere with his possession of the said land by exerting physical force, he made a complaint to the Police, and the same was registered as case in Crime No.34 of 2002 and the same is pending investigation. Further, it is stated that when the petitioner again exerted physical force to grab the said land, he made a complaint to the Police, and it was registered as a case in Crime No.164 of 2002. Suppressing all these facts, the petitioner filed the present writ petition seeking direction to the Police not to interfere and dispossess the petitioner from the lands in question.

Heard the counsel for both the parties at length. Perused the entire material available on record.

Prima facie, it appears that there are civil disputes between the petitioner and the unofficial respondents. The cases filed in this regard are pending consideration before the III Additional District

Judge as well as the Special Officer under A.P. (AA) Tenancy Act - cum - Principal Junior Civil Judge, Sattenapalli. This Court, in exercise of its extraordinary jurisdiction under Article-226 of the Constitution of India, does not go into disputed questions of fact and give a finding about the possession of the lands in question. Inasmuch as complaints are lodged against the petitioner, the Police, as the protectors of law and order, are bound to investigate into the matter, and this Court cannot prevent the Police from investigating into complaints. At the same time, the police as protectors of law, should restrain themselves from interfering with civil disputes between two private parties, and shall not try to dispossess one or the other person, who are parties to the civil disputes.

In the circumstances, the Police are directed to complete the investigation into the criminal cases already registered against the petitioner, and file charge sheets. They, however, shall not interfere with the possession of the petitioner in the guise of investigation into the criminal cases. If any person is interfering with the possession of the lands of the petitioner, he is at liberty to approach the Civil Court and seek clarification, if any, as to the orders already obtained by him, with regard to the survey numbers of the lands.

With the above observations, this writ petition is disposed of. No order as to costs.

27.04.2005

dr/tvk

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To

- 1 The State SHO, Muppalla Police Station, Guntur District.
- 2 The Deputy Superintendent of Police, Sattenapalli Sub-Division,

Guntur District.

1) 2 CD copies

2) 1 CC to MR.VENKATA REDDY, P.S.P.SURESH KUMAR

3) 1 CC to MR.CHINNAPA REDDY